

AN ORDINANCE **98127**

MODIFYING THE TIME WARNER CABLE FRANCHISE AGREEMENT, WHICH WAS PASSED BY ORDINANCE NO. 49433 AND BECAME EFFECTIVE ON NOVEMBER 7, 1978, IN ORDER TO EXTEND THE TERM OF THE FRANCHISE TO JUNE 30, 2004.

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WHEREAS, this extension modifies the Cable Franchise Agreement (Franchise) between the City and Time Warner Cable's (TWC's) predecessor that was authorized pursuant to City Ordinance No. 49433, and became effective on November 7, 1978; and

WHEREAS, pursuant to Section 4 of the Franchise, the original Franchise term was for fifteen (15) years; and

WHEREAS, the original Franchise term was subsequently extended for an additional (10) years pursuant to City Ordinance No. 68381, which was passed and approved on November 22, 1988; and

WHEREAS, the Franchise is currently due to expire on November 7, 2003, and the parties desire to extend the term another six (6) months so that they may continue to work towards what they currently anticipate will be a mutually acceptable completion of the franchise renewal process; and

WHEREAS, this extension is not intended to be interpreted as a franchise renewal as that term is generally understood pursuant to the federal Cable Act, 47 U.S.C. §546, or the City's Charter, and is further not intended to modify any other provision of the Franchise other than the term, and neither party waives any rights that it may have had prior to the adoption of this extension; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. An Amendment to Extend the Cable Franchise Agreement between the City and Time Warner Cable until June 30, 2004 is hereby approved. A copy of the Amendment is affixed hereto, in substantially form, and incorporated herein for all purposes as Attachment I. An executed version of this Amendment will be attached hereto and incorporated herein upon full execution by both parties.


SECTION 2. In no event shall this extension be construed as a waiver of the parties' rights, duties or obligations under the Franchise. Except as expressly modified herein, all terms and provisions of the Franchise shall remain in full force and effect, enforceable in accordance with their terms. Franchise renewal proceedings under the Cable Act have commenced and are ongoing. Each party reserves its rights under that law.

SECTION 3. This Ordinance shall take effect on the tenth (10th) day after the date of passage hereof.

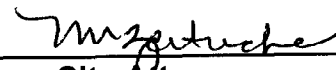
PASSED and **APPROVED** this 11th day of September, 2003.



M A Y O R

ATTEST: 
City Clerk

EDWARD D. GARZA

APPROVED AS TO FORM: 
for City Attorney